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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/639,581	08/13/2003	Yasuhiro Suzuki	2018-753	7680

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EXAMINER

GIMIE, MAHMOUD

ART UNIT	PAPER NUMBER
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3747

DATE MAILED: 09/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/639,581

Applicant(s)

SUZUKI, YASUHIRO

Examiner

Mahmoud Gimie

Art Unit

3747

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 13 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 9/4/04.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. Claims 3 and 4 are objected to because of the following informalities: There are many instances in the claims where a proper spacing between words are not maintained; some instances are, claim 3-line 3 and claim 4-line 23

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1 rejected under 35 U.S.C. 102(b) as being anticipated by Wayama et al (6,382,181).

Wayama discloses a throttle valve apparatus for an engine, the throttle valve apparatus comprising: a throttle valve (2), which controls an amount of air taken into the engine; a throttle shaft (3), which rotates integrally with the throttle valve; a totative member, which is fixed to one end of the throttle shaft and rotates the throttle shaft; and a throttle housing having: a bore portion, which stores the throttle valve openly and closely; and a projecting wall (6), which is disposed outside the bore portion and partially covers the one end of the throttle shaft, the throttle valve apparatus, wherein: the throttle housing has a projecting portion, which projects outward from a peripheral surface of the

Art Unit: 3747

projecting wall (6) in a radial direction of the projecting wall; and the projecting portion integrally has; a full open stopper (11), which restricts rotation of the rotative member in its first rotational direction when the throttle valve is fully opened; and a full close stopper (12), which restricts rotation of the rotative member in its second rotational direction: which is opposite to the first rotational direction, when the throttle valve is fully closed.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wayama et al (6,382,181) in view of Torii et al (6,626,421).

Wayama discloses all the limitations as applied to claim 1 above, except the housing made of resin material, the wall thickness substantially uniform and contacts the engine side component.

Torii discloses a throttle valve with a housing made of resin.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the invention of Wayama by using a housing made of a resin. The motivation to do so would have been to meet recent demands for reduction in weight and cost of throttle devices, see Torii et al col. 1 and lines 37-39.

With regard to the uniform thickness, it is inherently present in the prior art.

Art Unit: 3747

With regard to the relative location of the housing with the engine, it is been held that the provision of adjustability, where needed, involves only routine skills in the art, In re Stevens, 101 USPQ 284 (CCPA 1954).

### **Conclusion**

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The cited references show throttle valves.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mahmoud Gimie whose telephone number is 703-305-1037. The examiner can normally be reached on Tuesday-Friday between 7 a.m. -3:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Henry Yuen can be reached on 703-308-1946. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MG

  
MAHMOUD GIMIE  
PRIMARY PATENT EXAMINER  
ART UNIT 3747